

**Commissioner of Political Practices**  
**Policies and Procedures**

---

**Amended Office Management Policy 2.4**  
**Reinstating Pre-Lair 2016 Campaign Contribution limits**

Adopted: May 17, 2016; First amended on May 18, 2016; Second amended on May 26, 2016

---

**Introduction**

The Federal District Court, in the Matter of *Lair v. COPP* No. 6:12-cv-00012-CCL, issued its Order on May 17, 2016 declaring that the limits imposed by Montana law on contributions to candidates for Montana public office are unconstitutional. The Federal Court's Order has voided the limits on contributions.

The contribution limits voided by the Federal Court were set by a November 1994 vote of Montana voters approving Initiative 118. The new limits set by I-118 amended limits were then set out at §13-37-216 MCA.

In response to the Federal Court's Order the Commissioner adopts the following amended policy.

**Policy**

The Commissioner hereby recognizes that Montana law reinstates the larger contribution limits in place under §13-37-216 MCA before those limits were amended by the now voided portion of I-118. The Commissioner notes that the Policy is adopted under the reasoning, authority and direction set by the Montana Supreme Court in *State ex. rel. Woodahl v. District Court*, 162 Mont. 283, 290, 511 P.2d 318, 322 (1972): "[a]n unconstitutional amendment to a law leaves the section intact as it had been before the attempted amendment." This issue is further addressed by AG Opinion Vol. 51, No. 2.

I. Individual Contribution Limits

The Court's Order struck 13-37-216(1) MCA (2011) applying limits to individuals. The amounts for individual contributions set by §13-37-216 MCA before the now voided amendment by I-118 are as follows:

\$1,500 limit for Gubernatorial candidates  
\$750 limit for Other Statewide Office candidates  
\$400 limit for candidates for PSC, District Court  
Judge, and State Senator

\$250 limit for any candidates for any other Montana public office (including State Representative)

Subsection (4) of §13-37-216 MCA (2011) sets an inflation factor based on the consumer price index in place in the year of 2002. The inflation factor was set by the Montana legislature independent of changes made by I-118. The Commissioner applies the inflation factor for the reason that it was not challenged by the *Lair* litigation and appears to be unaffected by the Court's Order. Applying a 1.326 Inflation Factor to the reinstated pre-I-118 limits sets the following limits on individual contributions to a candidate for election in 2016:

\$1,990 limit for Gubernatorial candidates  
\$990 limit for Other Statewide Office candidates  
\$530 limit for candidates for PSC, District Court Judge, and State Senator  
\$330 limit for any candidates for any other Montana public office (including State Representative)

It is noted that the limits set by §13-37-216 MCA prior to amendment by I-118 were single limits covering both the primary and general election. Accordingly, the Commissioner adopts the above as a single limit for contributions to a 2016 Montana candidate for public office.

## II. Political Committee Contribution Limits, Other than Political Parties.

The Court's Order struck 13-37-216(1) MCA (2011), the subsection of law applying limits to political committees other than political party committees. The amounts for political committee contributions set by §13-37-216 MCA before the now voided amendment by I-118 are as follows:

\$8,000 limit for Gubernatorial candidates  
\$2,000 limit for Other Statewide Office candidates  
\$1,000 limit for candidates for PSC  
\$600 limit for a candidate for the state senate  
\$300 limit for any candidates for any other Montana public office (including State Representative and District Court Judge)

Applying the inflation factor discussed above, the reinstated limits for political committees other than political party committees are:

\$10,610 limit for Gubernatorial candidates  
\$2,650 limit for Other Statewide Office candidates  
\$1,330 limit for candidates for PSC  
\$800 limit for a candidate for the state senate

\$400 limit for any candidates for any other Montana public office (including State Representative and District Court Judge)

It is noted that the limits set by §13-37-216 MCA prior to amendment by I-118 were single limits covering both the primary and general election. Accordingly, the Commissioner adopts the above as a single limit for contributions to a 2016 Montana candidate for public office.

### III. Political Party Contribution Limits

The Court's Order of May 17, 2016 struck 13-37-216(3) MCA (2011), the subsection of law applying limits to political party committees. On May 25, 2016 the Court issued its further Order staying the effect of this part of the Order as to Montana's 2016 elections. Accordingly, political party contribution limits for 2016 elections were and are those set by 44.11.227 ARM:

Office	Contribution Limit – Per Election
Governor/Lieutenant Governor	\$23,850
Other Statewide offices	\$8,600
PSC	\$3,450
State Senate	\$1,400
All other Elected Offices	\$850

This Policy, with any amendments, is in effect barring further legislative or judicial action that might affect the contribution limits, including the completion of litigation in the matter of *Lair v. COPP* No. 6:12-CV-00012-CCL. Failure to adhere to these contribution limits will be treated as a violation of Montana's campaign practice laws.